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Proposed Regulation Agency Background Document

Agency name	Department of Education
Virginia Administrative Code (VAC) citation	8 VAC 20 -30
Regulation title	Regulations Governing Adult High School Programs
Action title	New adult high school diploma and revised regulatory language to more closely align other diploma requirements with <i>Regulations Establishing the Standards for Accrediting Public Schools in Virginia</i> (8 VAC 20-131)
Document preparation date	TBA

This information is required for executive review (www.townhall.state.va.us/dpbpages/apaintro.htm#execreview) and the Virginia Registrar of Regulations (legis.state.va.us/codecomm/register/regindex.htm), pursuant to the Virginia Administrative Process Act (www.townhall.state.va.us/dpbpages/dpb_apa.htm), Executive Orders 21 (2002) and 58 (1999) (www.governor.state.va.us/Press_Policy/Executive_Orders/EOHome.html), and the *Virginia Register Form, Style and Procedure Manual* (http://legis.state.va.us/codecomm/register/download/styl8_95.rtf).

Brief summary

In a short paragraph, please summarize all substantive changes that are being proposed in this regulatory action.

Other than revising language in these regulations for the sake of clarity, there are two substantive changes proposed. First, it is recommended that an adult high school diploma be created and issued to individuals who were not required to earn verified credit at the time they entered the ninth grade but who meet the credit requirements that were in place at the time they entered the ninth grade. An adult high school diploma would also be issued to individuals who successfully complete the External Diploma Program (EDP). Currently EDP candidates earn a standard high school diploma. Secondly, the proposed text states that although adults would continue to be eligible to earn a standard or advanced studies diploma, they would be required to meet all credit requirements defined by the current *Regulations Establishing the Standards for Accrediting Public Schools in Virginia* (8 VAC 20-131) at the time they expect to graduate. **NOTE:** The proposed regulations are expected to be amended at the final stage to state that although adults would continue to be eligible to earn a standard or advanced studies high school diploma, they would be required to meet all credit requirements defined by the current

Regulations Establishing the Standards for Accrediting Public Schools in Virginia (8 VAC 20-131) at the time they enroll providing that enrollment is continuous.

Basis

Please identify the state and/or federal source of legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly bill and chapter numbers, if applicable, and (2) promulgating entity, i.e., the agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

The legal authority to promulgate changes to 8 VAC 20-30-10 is found in the *Code of Virginia*, sections 22.1-223 through 22.1-226. The Board of Education is authorized to promulgate “appropriate standards and guidelines for adult education programs.”

Purpose

Please explain the need for the new or amended regulation by (1) detailing the specific reasons why this regulatory action is essential to protect the health, safety, or welfare of citizens, and (2) discussing the goals of the proposal and the problems the proposal is intended to solve.

The Regulations Governing Adult High School Programs were last amended in 1985 and are not currently consistent with the *Regulations Establishing the Standards for Accrediting Public Schools in Virginia* (8 VAC 20-131). The purpose of this intended regulatory action is twofold. First, adult high school programs, where adults are able to earn a standard or advanced studies diploma, will be required to maintain the same high standards as regular day school programs. Second, the change provides a high-standard alternative diploma, to be named the adult high school diploma, for adults who are unable to complete the current requirements for a standard or advanced studies diploma.

Today there are over 1,000,000 adults in Virginia over the age of 18 years that do not have a high school credential. Many adults return to school after many years out of the classroom. They have numerous obstacles to overcome, including a high incidence of undiagnosed learning disabilities, limited English proficiency, significant gaps in previous education, high mobility rates, and economic and societal hardships due in part to the lack of a secondary credential. Adult high school programs offer quality education with measured achievement and accountability as part of the National Reporting System (NRS) of the U. S. Department of Education. Adults are offered an opportunity to earn a high school credential, increase their employability, and contribute positively to the economy, their families, and the communities of the Commonwealth. Illiteracy costs Virginia taxpayers nearly \$300 million a year due to unemployment, welfare dependency, and loss of tax revenue. The goal of this regulatory action is to clarify the process by which adults can earn a high school diploma and diploma types for which they may be eligible.

Substance

Please briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. (More detail about these changes is requested in the “Detail of changes” section.)

Only two substantive changes are recommended to the existing regulations. The first recommendation is intended to create a new diploma, the adult high school diploma, which will be available only to adult students. The adult high school diploma is intended to accommodate the unique circumstances that preclude many adults from earning a standard or advanced studies diploma and will be available to students who complete the External Diploma Program (EDP). The EDP is currently offered in 10 school divisions in the commonwealth. The second recommendation is to ensure that standard and advanced studies diplomas issued through adult high school programs are consistent with the *Regulations Establishing Standards for Accrediting Public Schools in Virginia*. Adult education students may earn a standard or advanced studies diploma if they meet the Standards of Accreditation requirements that are in effect at the time they expect to graduate. **NOTE:** The proposed regulations are expected to be amended at the final stage to state that adult education students may earn a standard or advanced studies diploma if they meet the Standards of Accreditation requirements that are in effect at the time they enroll providing that the enrollment is continuous.

Issues

Please identify the issues associated with the proposed regulatory action, including:

- 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;*
- 2) the primary advantages and disadvantages to the agency or the Commonwealth; and*
- 3) other pertinent matters of interest to the regulated community, government officials, and the public.*

If the regulatory action poses no disadvantages to the public or the Commonwealth, please so indicate.

Working-aged adults who do not have a high school diploma will have credible diploma choices tailored to their individual needs and life circumstances. High standards are associated with each diploma choice. Coupling the General Achievement Diploma (GAD) and the General Educational Development (GED) Certificate with the diploma options resulting from these proposed regulations, adults would have a menu of five different secondary credentials that certify educational attainment at the high school level. The proposed regulations pose no disadvantages to the public or the commonwealth.

Economic impact

Please identify the anticipated economic impact of the proposed regulation.

Projected cost to the state to implement and enforce the proposed regulation, including (a) fund source / fund detail, and (b) a delineation of one-time versus on-going expenditures	The state is not involved in issuing the diplomas earned by individuals through adult high school programs. There will be no fiscal impact on the state as a result of the proposed revisions to the current regulations.
Projected cost of the regulation on localities	Localities may incur a modest cost if they decide to create a unique diploma for individuals earning an adult high school diploma. It is not expected that they will incur any other costs as a result of these proposed revisions.
Description of the individuals, businesses or other entities likely to be affected by the	N/A

regulation	
Agency’s best estimate of the number of such entities that will be affected	N/A
Projected cost of the regulation for affected individuals, businesses, or other entities	N/A

Alternatives

Please describe any viable alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action.

The Board of Education, through emergency regulations, has created a General Achievement Diploma (GAD). The GAD is appropriate for younger adults who have been out of school a short time. However, it is unlikely that adults who have been out of school for a long time will earn all of the required credits and prepare for and take the GED Tests. Additionally, the GAD does not solve the problem of what type of diploma to issue to adults who complete the External Diploma Program.

Public comment

Please summarize all comments received during public comment period following the publication of the NOIRA, and provide the agency response.

No public comment was received.

Family impact

Please assess the impact of the proposed regulatory action on the institution of the family and family stability.

The proposed *Regulations Governing Adult High School Programs* will not erode the authority and rights of parents in the education, nurturing, and supervision of their children. These regulations promote flexibility for adults seeking to earn a diploma. This flexibility is designed to accommodate adult students and their family needs. Individuals involved in adult high school programs also can benefit from curriculum designed to assist them in their parenting skills. Adults earning high school diplomas will be prepared to assist in meeting their children’s educational needs.

Current educational and U.S. Department of Labor research suggests that a high school diploma or other secondary credential makes individuals more marketable for employment and increases their economic earnings compared to individuals without a diploma. The new regulations will encourage economic self-sufficiency. The flexibility these regulations provide in the methods and means for earning a diploma should make a high school diploma more attainable. Evidence suggests that individuals who earn a diploma later in life experience considerable pride and satisfaction. These regulations should not adversely affect an individual’s marital commitment.

The proposed regulatory action may result in increased numbers of adults with a high school diploma. Department of Labor statistics and data from the U.S. Department of Education’s National Adult Literacy Survey indicate that there is a correlation between income and education. Individuals with a high school diploma earn more than those without one. Similarly, individuals with two or more years of college earn more than those with only a diploma. Adults working towards earning a diploma are encouraged to continue further education.

Detail of changes

Please detail all changes that are being proposed and the consequences of the proposed changes. Detail all new provisions and/or all changes to existing sections.

If the proposed regulation is intended to replace an emergency regulation, please list separately (1) all changes between the pre-emergency regulation and the proposed regulation, and (2) only changes made since the publication of the emergency regulation.

For changes to existing regulations, use this chart:

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
20-30-10			Change wording from “regular school” to “high school.” “High school” is a more accurate description.
20-30-20			Change “Secondary school programs” to “Adult high school programs.” “Adult high school program” is a more accurate description.
20-30-20			Change “regular day school” to “9 through 12 high school.” Nine through 12 high school is a more accurate description.
20-30-20 subsection 1			No substantive changes made. All changes in wording are recommended for the sake of clarity.
20-30-20 subsection 2.a.		108 hours of classroom instruction are necessary to earn one unit of credit. Credits may also be earned through completion of competencies comparable to the regular school program.	Delete the section that describes earning credits through completion of competencies comparable to the regular high school program. This is addressed in subsection “e” (proposed subsection “b”). It also confuses the issue with the required hours of instruction.
20-30-20 subsection 2.b.		This subsection describes the units of credits required to earn a standard diploma.	Delete. This subsection is not appropriate for a discussion on credits and belongs in the newly proposed section on diplomas (proposed subsection 3).
20-30-20 subsection 2.c.		This subsection describes the units of credits required to earn an advanced studies diploma.	Delete. This subsection is not appropriate for a discussion on credits and belongs in the newly proposed section on diplomas (proposed subsection 3).

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
20-30-20 subsection 2.d.		This subsection describes other requirements to earn a high school diploma, in addition to earning specified units of credit.	Delete. This subsection is not appropriate for a discussion on credits and belongs in the newly proposed section on diplomas (proposed subsection 3).
20-30-20 subsection 2.e.	20-30-20 subsection 2.b.	This section describes the options for earning units of credit, other than satisfactory completion on specified hours of instruction.	No substantive changes are proposed in this subsection. The changes are proposed for the sake of clarity.
20-30-20 subsection 2.f.		This section describes that students may not attend the adult high school program in order to earn a high school diploma early.	Delete. This subsection is not appropriate in the subsection on credits. The issue of students graduating early is addressed in the current SOA.
20-30-20 subsection 2.g.	20-30-20 subsection 2.f.	This section describes the transferability of credits earned in adult high school programs.	Changes in language are proposed only for the sake of clarity.
	20-30-20 subsection 3.a.		The subsection describes the requirements that individuals enrolled in adult high school programs must meet in order to earn a standard or advanced studies diploma and permits the Board of Education to authorize substitute assessments (in lieu of Standards of Learning tests).
	20-30-20 subsection 3.b.		The subsection describes the requirements to earn the newly proposed “adult high school diploma” and authorizes the Board to substitute assessments (in lieu of the Literacy Passport Test {LPT} which was required until July 1, 2003).
	20-30-20 subsection 3.c.		The subsection describes that the newly proposed “adult high school diploma” shall be awarded to individuals who successfully complete the EDP.
20-30-30			Wording changes are recommended for the sake of clarity.
20-30-40 and 20-30-50	20-30-40		Delete section 20-30-50 and combine with section 20-30-40. Both sections deal with physical facilities. Wording changes are recommended for the sake of clarity.
20-30-60	20-30-50		Wording changes are recommended for the sake of clarity.
20-30-70	20-30-60		Wording changes are recommended for the sake of clarity.

Enter any other statement here